

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

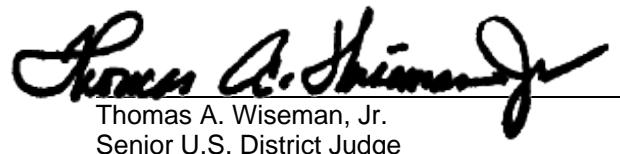
SHAWN VENEZIA,)
Plaintiff,)
v.) Civil Action No. 3:09-cv-430
12th & DIVISION PROPERTIES, LLC;) Judge Thomas A. Wiseman, Jr.
CJUF II TERRAZZO LLC; and)
BANK OF AMERICA, N.A.,¹)
Defendants.)

ORDER

Before the Court is the Motion to Dismiss (Doc. No. 12) filed by defendants 12th & Division Properties, LLC and CJUF II Terrazzo LLC in which the defendants seek specifically the dismissal of plaintiff Shawn Venezia's claim for rescission arising from the defendants' failure to comply with the requirement under the Interstate Land Sales Full Disclosure Act, 15 U.S.C. §§ 1701–1720 ("ILSFDA"), that they provide him with a written Property Report before he entered into a purchase agreement for a condominium unit in the Defendants' condominium development.

For the reasons set forth in the accompanying Memorandum Opinion, the Court is persuaded by the Defendants' argument that the Plaintiff's claim for rescission, based solely upon Defendants' failure to provide a Property Report as required by the ILSFDA, must be dismissed as a result of the Plaintiff's failure to give notice of his intent to exercise his right to rescind within the two-year period set forth in 15 U.S.C. § 1703(c). Defendants' Motion to Dismiss is therefore **GRANTED**, and the claim in Count I for rescission based upon 15 U.S.C. § 1703(c) is hereby **DISMISSED**. The remaining claims in the Complaint being unaffected by this decision, this matter is referred back to the Magistrate Judge for further case management as necessary.

It is so **ORDERED**.



Thomas A. Wiseman, Jr.
Senior U.S. District Judge

¹ Pursuant to the parties' request, an Agreed Order has been entered dismissing without prejudice all claims against former defendant Bank of America, N.A. (Doc. No. 9.)